

Office of Environmental Quality Control

THE ENVIRONMENTAL NOTICE

*A Semi-Monthly Bulletin published pursuant to
Section 343-3, Hawai'i Revised Statutes*

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June 8, 2016

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under [Section 343-3, Hawai'i Revised Statutes](#) (HRS), the Environmental Impact Statement Law. Along with publishing Environmental Assessments (EAs) and Environmental Impact Statements (EISs) for projects in Hawai'i, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.

EPA Environmental Justice (EJ) Strategy Available for Public Review

The EJ 2020 Action Agenda strategy for 2016-2020 is available for comment.

Building on Plan EJ 2014, this strategy draws upon input from governmental partners and external stakeholders to address the real environmental challenges that are facing American communities.

For more information and to review the final draft of EJ 2020, please visit EPA's [EJ 2020 website](#).

The public comment period is from May 23, 2016 to July 7, 2016. Please submit written comments ejstrategy@epa.gov, or via mail to **Charles Lee**, Deputy Associate Assistant Administrator for Environmental Justice - USEPA, Office of Environmental Justice (2201-A) 1200 Pennsylvania Avenue, NW Washington, DC 20460.

Environmental Council

The Environmental Council is meeting in June, date to be determined. The meeting will be held in the Leiopapa A Kamehameha Building, 235 S. Beretania Street, 15th Floor Conference Room. Please check the Lt. Governor's [website](#) for date.

World Oceans Day is June 8 (www.worldoceansday.org)

Hōkūle'a arrived in New York City for World Oceans Day (June 8). Navigator and President of the Polynesian Voyaging Society Nainoa Thompson will present ocean protection declarations gathered during the voyage. Governor Ige's Chief of Staff Mike McCartney, Honolulu Mayor Kirk Caldwell, Hawai'i Island Mayor Billy Kenoi, Kaua'i Mayor Bernard Carvalho, as well as other leaders of Hawai'i will speak at the United Nations about Hawai'i's commitment to Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources. Hawai'i's *Aloha+ Challenge* is an innovative model to achieve this goal.



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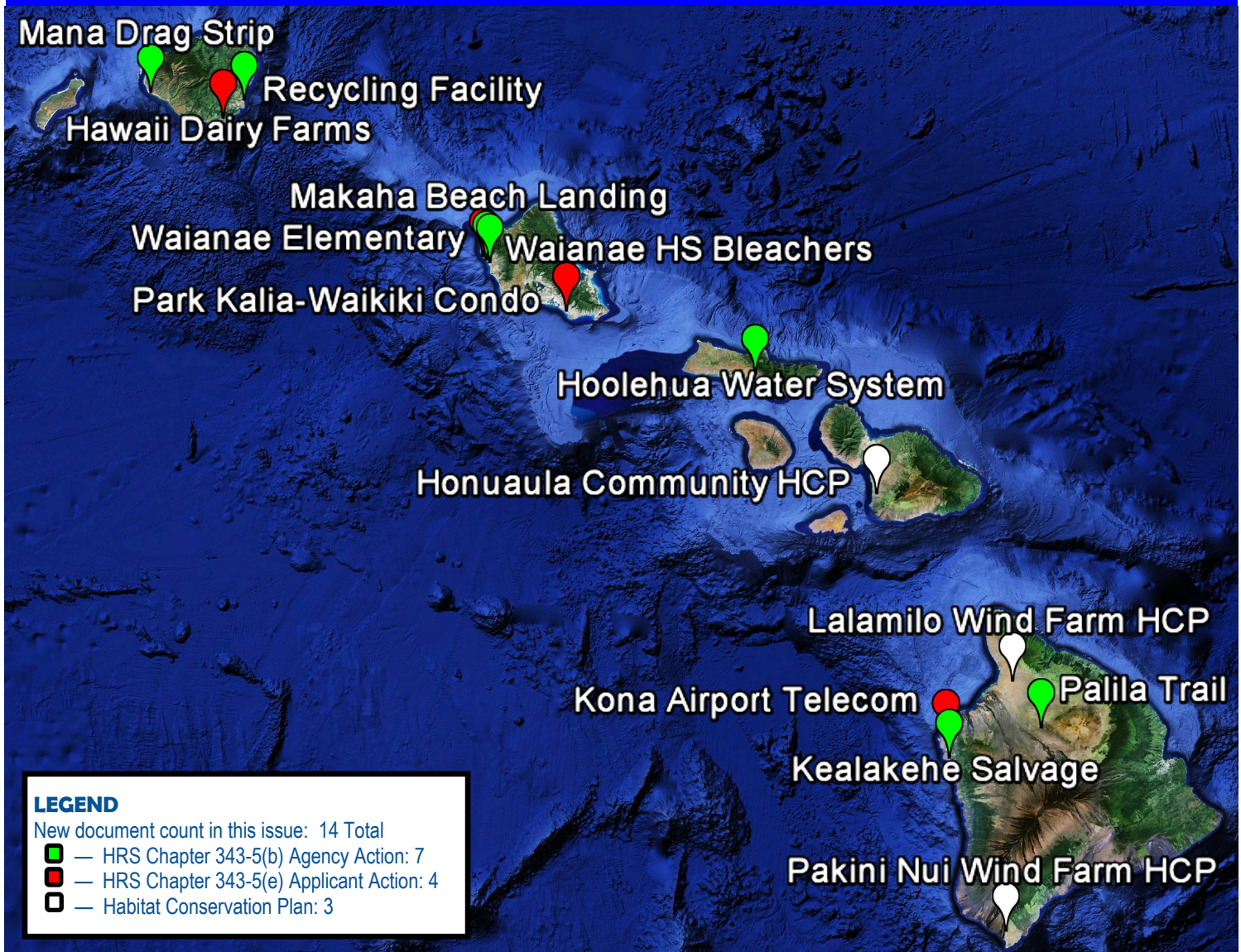
PHOTO: 'ŌIWI TV • PHOTOGRAPHER: NĀ'ĀLEHU ANTHONY

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STATEWIDE MAP OF NEW HRS CHAPTER 343 PROJECTS



HAWAII

1. Former Kealakehe Metal Salvage Facility Remediation and Closure FEA (FONSI)

HRS §343-5

Trigger(s): Use of State land, use of State and County funds, land classified as conservation district

District: North Kona

TMK: 7-4-020:16 (portions of)

Permits: NPDES, grading permit, conservation district use application

**Proposing/
Determining**

Agency: County of Hawai'i, Department of Environmental Management
BJ Leithead Todd, Director, (808) 961-8083 cohdem@hawaiiicounty.gov
345 Kekūanāo'a Street, Ste. 41, Hilo, HI 96720

Consultant: Integral Consulting Inc.
Dennis Poma (808) 739-7055 dpoma@integral-corp.com
94-515 Uke'e Street Suite 301, Waipahu, HI 96797

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The subject property was used as a metal salvage facility for several decades before operations ceased in 2013. During prior site investigations, lead was found in site soils. The lead-contaminated soil that remains on the subject property presents a potential hazard by direct contact and must be addressed. Closure and remediation actions are required by the solid waste permit for the former metal salvage facility, issued by the State of Hawai'i Department of Health (HDOH). The proposed action consists of offsite landfill disposal of all non-recyclable waste materials and contaminated soils. The objective of the proposed project is to remediate the subject property to HDOH standards by eliminating the existing environmental impacts. The proposed action is anticipated to adequately manage hazards associated with lead-contaminated soil, is practical to implement, and will allow for future beneficial use of the subject property.

No adverse impacts are anticipated upon project completion. Potential short-term impacts may be created by the generation of dust, noise, runoff, additional vehicular traffic, and disturbance of seabirds flying over the facility during debris/soil removal and offsite landfill disposal. Mitigation measures will be implemented to address these potential short-term impacts.

2. Kona Airport Telecommunication Facility FEA (FONSI)

HRS §343-5

Trigger(s): Use of State land
District: North Kona
TMK: (3) 7-3-049: Portion of 038
Permits: DLNR: Approval of lease, Cдуа, Hawai'i County: Building Permit
Applicant: Cellco Partnership, dba: Verizon Wireless c/o MP Property Services
 Danette Martin, Principal Broker/Agent (808) 895-3569
danette@martinpacific.com
 76-6357 Kololia Street, Kailua-Kona, HI 96740

Approving Agency: State of Hawai'i, Department of Land and Natural Resources
 Wesley T. Matsunaga, Land Agent (808) 961-9590
wesley.t.matsunaga@hawaii.gov
 75 Aupuni Street, Room 204, Hilo, HI 96720

Consultant: Ford Cauty & Associates, Inc., Lori Ford, Senior Project Manager (808) 295-0604 lford@fordcanty.com
 173 Kuualaa Street, Kailua, HI 96734

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.

Cellco Partnership, dba: Verizon Wireless is proposing to construct its HI3 Kona Airport Telecommunication Facility upon the State parcel located at Kalaoa, North Kona, Hawai'i, Tax Map Key: (3) 7-3-049: 038 (portion). The project involves the installation of a 100-foot monopole with 12, 8-foot panel antennas mounted at the top, within an approximately 30- by 40-foot (1,200 s.f.) chain link fenced area. The maximum finished height will be at approximately 104-feet above ground level. In addition, an emergency generator and equipment cabinets will be installed northwest and west adjacent to the monopole within the fenced area. Installation and operation of the proposed wireless telecommunication tower facility will provide wireless high-speed 4G Internet service to the Kona Airport and the surrounding neighborhoods. Currently, the Kona Airport is one of the few airports in the nation without 4G services. The proposed action is not expected to impact views and visual impacts, natural physical and biological resources, cultural resources, public access, traffic impacts, land use, access to the area, or health and safety. The proposed action is expected to have positive impacts on socioeconomics and environmental justice.



3. Palila Forest Discovery Trail FEA (FONSI)

HRS §343-5

Trigger(s): Use of State land and funds
District: Hāmākua
TMK: (3) 4-4-015:004 (por.)
Permits: Chapter 6e, HRS, determination from State Historic Preservation Division on historic property effects

Proposing/ Determining Agency: State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife
 John Vetter, Wildlife Biologist (808) 587-0166 john.p.vetter@hawaii.gov
 1151 Punchbowl St # 325, Honolulu, HI 96813



Consultant: Geometrician Associates
 Ron Terry (808) 969-7090 rterry@hawaii.rr.com
 PO Box 396, Hilo, HI 96721

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.

The Mauna Kea Forest Restoration Project (MKFRP) of DLNR-DOFAW is collaborating with the American Bird Conservancy and other private and public partners to build and maintain a trail with informational signage and kiosks, website and literature development, volunteer management, and forest restoration. The 0.92-mile, self-led loop trail will meander through a forest of māmane and naio trees on the west of Mauna Kea. Planting will improve habitat for the critically endangered palila and other endangered birds. Vegetation disturbance will be minimal and ground disturbance limited to hand tool labor, step-building, rock-stacking and kiosk and sign emplacement. No threatened or endangered (T&E) plant species are present, and timing of construction can avoid or minimize impacts to T&E birds. The project benefits the endangered palila. No historic or cultural properties will be affected. Visual impacts will be minor and new viewpoints for hikers will be opened up. DOFAW intends to install composting toilets and a picnic shelter in the future. Fire risk will be minimized by mowing the parking area and installing signage. In addition to ongoing invasive species checks, signs will advise users to clean boots and gear prior to hiking.

KAUA'I

4. Hawai'i Dairy Farms DEIS

HRS §343-5

Trigger(s): To be determined
District: Koloa
TMK: (4) 2-9-003:001 (portion); 006 (portion) , (4) 2-9-001:001 (portion)
Permits: USDA NRCS Conservation Plan; DOH National Pollutant Discharge Elimination System Construction Stormwater General Permit; DOH Review of Animal Feeding Operation/Large Concentrated Animal Feeding Operation; DLNR Chapter 6E-42 Historic Preservation Review; County of Kaua'i Building Permit
Applicant: Hawai'i Dairy Farms, LLC.
 Amy Hennessey (808) 544-8968 info@hawaiidairyfarms.com
 P.O. Box 1690, Koloa, Hawai'i 96756-1690

Approving Agency: State of Hawai'i, Department of Health, Virginia Pressler, M.D., Director
 Laura McIntyre, Environmental Planning Office (808) 586-4337
doh.epo@doh.hawaii.gov
 1250 Punchbowl Street, Honolulu, HI 96813

Consultant: Group 70 International, Inc.
 Jeff Overton, Principal Planner (808) 523-5866 HDF@Group70int.com
 925 Bethel Street, 5th Floor, Honolulu, HI 96813

Status: Statutory 45-day public review and comment period starts; comments are due by July 25, 2016. Please send comments to the approving agency and copy the applicant and the consultant.



Hawai'i Dairy Farms (HDF) will establish and operate a sustainable, rotational-grazing pasture system dairy farm on 557-acres in Māhā'ulepū Valley on the island of Kaua'i to produce fresh, locally available nutritious milk for Hawai'i families. The rotational-grazing method utilizes 100 percent of the cows' manure as fertilizer for pasture grass to provide the primary source of nutrients. This cost-effective method will reduce reliance on imported fertilizer and feed. Pasture grass will provide a local food source appropriate for cow health and quality milk production, and will comprise at least 70 percent of the animals' diet. HDF has committed to establish a herd of up to 699 mature milking cows, producing approximately one million gallons of fresh milk annually. HDF may contemplate possible expansion of the herd up to 2,000 mature milking cows.

5. Mānā Drag Race Strip Electrical and Lighting Upgrades Resubmitted FEA (FONSI)

HRS §343-5

Trigger(s): (1) Use of State lands and funds (2) Use within conservation district
District: Waimea
TMK: (4) 1-2-002: 009, 036 & 040
Permits: Conservation District Use Permit, Shoreline Setback Determination, Special Management Area Permit, National Pollutant Discharge Elimination System Permit

Proposing/ Determining Agency:

State of Hawai'i, Department of Land and Natural Resources,
 Engineering Division, Adrian Chang (808) 587-0260
adrian.n.chang@hawaii.gov

1151 Punchbowl Street, Room 221, Honolulu, HI 96813

Consultant:

The Limtiaco Consulting Group
 Kyle Kaneshiro (808) 596-7790 kyle@tlcgohawaii.com
 1622 Kananui Street, Honolulu, HI 96817

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The State of Hawai'i, Department of Land and Natural Resources (DLNR), in cooperation with the Garden Isle Racing Association (GIRA), proposes electrical and lighting improvements at the Kaua'i Raceway Park (KRP) located in Mana, Kaua'i, Hawai'i. The KRP does not currently have a permanent electrical power connection; portable generators are brought to the site to power lighting, electrical equipment, and mechanical equipment for GIRA's monthly race events at the facility. A mixture of temporary lighting and street-light style light poles are currently used to light the facility for evening events.

The proposed electrical and lighting improvements include installation of approximately 19 stadium-style light poles along the length of the existing race track. The lighting will be downcast to mitigate potential adverse effects to the local seabird population. Additionally, overhead power lines will be extended from the Kaua'i Island Utility Cooperative distribution system on Kaumuali'i Highway to the KRP to provide permanent electrical power to the facility. The project will increase visibility at the facility during evening events, providing a safer and more enjoyable experience for participants. The project will also reduce the KRP reliance on temporary lighting and portable generators. This FEA/FONSI has been resubmitted for publication after being approved by the BLNR.

6. Materials Recycling Facility FEA (FONSI)

HRS §343-5

Trigger(s): Use of State or County lands or funds
District: Lihue
TMK: (4) 3-7-002:014
Permits: Kauai County Use Permit and Special Permit; State of Hawaii Department of Health Solid Waste Management Facility Permit, Recycling and Materials Recovery Facilities; State of Hawaii Department of Health Solid Waste Management Permit, Drop-off and Redemption; State of Hawaii Department of Health Solid Waste Management Permit, Household Battery Collection Facility; State of Hawaii Department of Health Solid Waste Management Permit, Electronic Waste Collection Facility; National Pollution Discharge Elimination System Permit; Kauai County Building Department Building Permit

Proposing/ Determining Agency:

County of Kaua'i, Department of Public Works
 Mr. Lyle Tabata (808) 241-4996 ltabata@kauai.gov 4444 Rice Street, Suite 275, Lihue, HI 96766

Consultant:

CalRecovery, Inc.
 Mr. George M. Savage (925) 356-3700 GSavage@calrecovery.com
 2454 Stanwell Drive, Concord, CA 94520

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The proposed action is to implement a Materials Recovery Facility (MRF) at the site of the County's Kaua'i Resource Center located at 3460 Ahukini Road, Līhu'e. The facility would accept, process, and recycle clean, source-separated recyclable materials.

The County of Kaua'i desires to modify its current Kaua'i Resource Center facility for the important purpose of substantially increasing the amount of recycling of materials on the Island and decreasing the Island's dependence on landfill disposal. Such an action, when implemented, would expand the County's capacity to receive large quantities of clean, source-separated recyclables delivered by recycling program collection vehicles as well as by the public and to process and recycle the materials. The quantities of recoverable recyclables are scheduled to increase substantially, in response to the County's Solid Waste Management Plan goals of improving solid waste management on the Island, substantially increasing the rate of recycling, and lessening the environmental footprint of the Island. The proposed MRF is needed to supply the capacity to accept, process, and market the future quantities of recyclable materials.

MOLOKA'I

7. Ho'olehua Water System Improvements FEA (FONSI)

HRS §343-5

Trigger(s): Use of State or County lands or funds

District: Moloka'i

TMK: Various

Permits: Building permit, grading permit, NPDES, noise permit, CZM federal consistency review, Special Flood Hazard Area Permit, flammable & combustible tank (fuel AST) installation permit, DOH approval, DAGs approval, ACOE review for Nationwide permit

**Proposing/
Determining**

Agency: State of Hawai'i, Department of Hawaiian Home Lands, Land Development Division
Jeffrey Fujimoto, Project Manager, 808-620-9274, Fax: 808-620-9299, jeffrey.y.fujimoto@hawaii.gov
91-5420 Kapolei Parkway, Room 1241, Kapolei, HI 96807

Consultant: PBR HAWAII & Associates, Inc.
Catie Cullison, Senior Associate, (808) 521-5631, Fax: (808) 523-1402, ccullison@pbrhawaii.com
1001 Bishop Street, Suite 650, Honolulu, HI 96813

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The Department of Hawaiian Home Lands (DHHL) proposes to improve treatment, storage and delivery of potable water supplied by the DHHL Ho'olehua Water System (Public Water Supply No. 230) to 2,400 users within the service area on the island of Moloka'i. The project will improve the health, sanitation, security, and reliability of the potable water system while reducing energy costs. It will include a one-megawatt photovoltaic energy production farm, the repair and replacement of aging equipment, increase in fire protection capability and water storage capacity. It will also improve the maintenance yard facilities and storage as well as site accessibility and security. Due to the age of the water system, as well as the remote location of the island of Moloka'i, improvements are necessary. In the past five years, there have been several failures that have affected system-wide delivery of water or isolated communities. DHHL began its Regional Planning Process in 2007, at which time the community on Moloka'i identified several issues with the potable water system. In 2015, DHHL identified additional improvements. These projects have been incorporated into the improvements to PWS No. 230.

O'AHU

8. Southeast Asia-United States Cable System, Makaha Beach Landing FEA (FONSI)

HRS §343-5

Trigger(s): Use of state or county lands; Use in the conservation district; Use within shoreline setback area

District: Waianae

TMK: (1) 8-4-001:012 and (1) 8-4-002: 059 Hawaiian Telcom

Permits: FEDERAL: Section 7, Endangered Species Act (ESA) Consultation; Magnuson-Stevens Fishery Conservation and Management Act Consultation; Section 106, National Historic Preservation Act (NHPA) Consultation; and Section 404, Clean Water Act (CWA), and Section 10, Rivers and Harbors Act (RHA) Permit Application.



STATE: Environmental Assessment (EA) under Hawai'i Revised Statutes (HRS), Chapter 343; Section 401, Water Quality Certification (WQC); Conservation District Use Permit (CDUP); Right-of-Entry and Grant of Submarine Easement within State Waters; Coastal Zone Management Federal Consistency Determination (CZM FEDCON); Section 402, CWA, National Pollutant Discharge Elimination System (NPDES) permit for construction stormwater; permission to discharge construction stormwater into existing Hawai'i Department of Transportation (HDOT) drainage system; and Use and Occupancy of HDOT ROW.

CITY AND COUNTY OF HONOLULU (CCH): Shoreline Setback Variance (SSV) Permit; Special Management Area (SMA) Minor Permit and; easement application for use of CCH land.

Applicant: NEC Corporation of America (NEC)
John S. Williams, Manager, (214) 262-3653, john.williams@necam.com
6535 N. State Highway 16, Irving, Texas 75039

Approving Agency: City and County of Honolulu, Department of Planning and Permitting
Mark Taylor, (808) 768-8020, mtaylor1@honolulu.gov
650 South King Street, 7th floor, Honolulu, Hawaii 96813

Consultant: R. M. Towill Corporation
Brian Takeda, Planning Project Coordinator, (808) 842-1133, briant@rmtowill.com
2024 North King Street, Suite 200, Honolulu, Hawaii 96819-3494

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.

NEC, in partnership with Hawaiian Telcom, proposes to install a submarine fiber optic telecommunications cable at Makaha Beach, O'ahu. The cable will be laid on and under the seafloor along a predetermined route from the territorial limit of State of Hawai'i waters to the Makaha Beach. Approximately ½ mile offshore installation will require landing the cable via a directional bore beginning at TMK (1) 8-4-002:059, traveling beneath Farrington Highway and Makaha Beach Park, TMK (1) 8-4-001: 012, to daylight in sandy ocean bottom approximately 14 meters below mean sea level. This borehole will be lined with drill pipe, allowing the submerged cable to be pulled underground to the Project site and connected to a proposed beach manhole and cable landing station. The SEA-US cable will provide needed telecommunications capacity in Hawai'i: (1) the University of Hawai'i and Johns Hopkins University (2012 and 2013) identified Hawai'i's broadband demand outpacing supply, SEA-US is designed to meet this need; (2) SEA-US will facilitate new economic growth by connecting Hawai'i to more than two-billion people in the Philippines, Indonesia, and Southeast Asia; and (3) SEA-US will provide backup capacity in the event of system failure or damage to other cable systems.

9. Park Kalia-Waikiki Condo-Hotel FEA (EISPN)

HRS §343-5

Trigger(s): Use within Waikiki Special District
District: Honolulu
TMK: 2-6-1: 1 and 4
Permits: Waikiki Special District Permit, Grading and Building Permits
Applicant: Best Hospitality LLC
Hiro Matsumura (808) 926-2315 hiro@bestbridalhawaii.com
Waikiki Shopping Plaza, 2250 Kalakaua Avenue, Suite 401
Honolulu, Hawaii 96815

Approving Agency: City and County of Honolulu, Department of Planning and Permitting
Joette Yago (808) 768-8034 jyago@honolulu.gov
650 South King Street, 7th Floor, Honolulu, HI 96813

Consultant: Kusao & Kurahashi, Inc
Keith Kurahashi, (808) 988-2231, kkurahashi@hawaii.rr.com
2752 Woodlawn Drive, Suite 5-217, Honolulu, HI 96822

Status: Administrative 30-day public review and comment period starts; comments are due by July 8, 2016. Please send comments to the proposing/determining agency and copy the applicant and the consultant.

Best Hospitality, LLC proposes to construct a new 26-story, 350-foot-high condo-hotel with up to 170 units, restaurant, wedding chapel, recreational facilities, parking structure with auto lift, and appurtenant site improvements. The site is located along Kalakaua Avenue, adjacent to Fort DeRussy in Waikiki. The 350-foot height exceeds the maximum allowable height of 25 feet and would require approval by the City Council.



10. Wai'ānae Elementary School Administration/Student Support Center FEA (FONSI)

HRS §343-5

Trigger(s): Use of State funds and located on State and County lands
District: Wai'ānae
TMK: (1) 8-5-1:067 (por.) and (1) 8-5-9:018 (por.)
Permits: Building Permits, Sidewalk/Driveway; Grading, Grubbing, Trenching, and Stockpiling, Sewer Connection

Proposing/ Determining Agency:

State of Hawai'i, Department of Education, Facilities Development Branch
 Brenda Lowrey Brenda_Lowrey/FacilDev/HIDOE@notes.k12.hi.us
 (808) 377-8312, Admin Bldg. 3633 Wai'ālae Avenue, Honolulu, HI 96816

Consultant: Group 70 International, Inc.; Christine Mendes Ruotola, AICP
 (808) 523-5866 cruotola@group70int.com
 925 Bethel Street, 5th Floor, Honolulu, HI 96813

Status: Finding of No Significant Impact (FONSI) determination; comments are not taken on this action.



The Wai'ānae Elementary School Administration/Student Support Center project will provide a new administration building and student support center on the campus to support the existing school staff. The project will also include a drop off area, conversion of grass parking area to paved parking lot, and an extension of the driveway to McArthur Street.

The administration building will be built during Phase I of the project and will be located on the northwest edge of the existing open field. The new 7,824 square foot (sf) building will provide a new working space for the Administrative staff at the school. The project will also help to provide a clear entryway to the front of the school and will enable staff to maintain a visual perspective of the overall campus.

The student support center will be built during Phase II of the project and will be located to the east of the existing portables and west of the library. The 5,164 sf building will support daily and ongoing student support services for the school's students. Phase II will also include a one-way circulated parking area and extension to McArthur Street which will provide a secondary exit to the school site.

11. Wai'ānae High School Athletic Field Bleachers DEA (AFNSI)

HRS §343-5

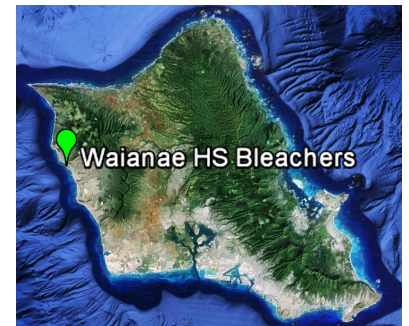
Trigger(s): Proposed use of state lands or funds
District: Wai'ānae
TMK: 8-5-002: 018 por.
Permits: Special Management Area, Variance from Pollution Control (Noise), Building, Grading, Grubbing, and Stockpiling

Proposing/ Determining Agency:

State of Hawai'i, Department of Education, Facilities Development Br.
 Robert Purdie Robert_Purdie/FacilDev/HIDOE@note.k12.hi.us
 (808) 586-0448, PO Box 2360, Honolulu, HI 96804

Consultant: Gerald Park, Urban Planner, (808) 625-9626, gpark@gpup.biz
 95-595 Kanamee Street, #324, Mililani, HI 96789

Status: Statutory 30-day public review and comment period starts; comments are due by July 8, 2016. Please send comments to the proposing/determining agency and copy the consultant.



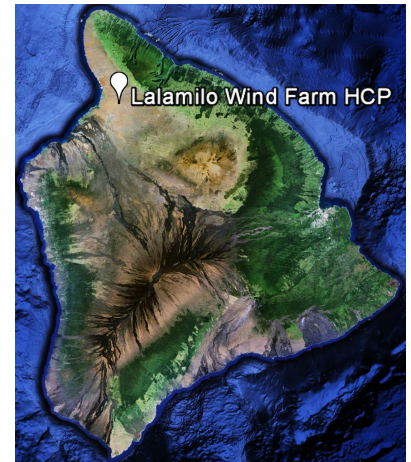
The Department of Education proposes improvements at Wai'ānae High School Athletic Field. The action will remove existing wood and steel bleachers on the Visitor's side of the field and replace them with new aluminum bleachers featuring 15-tier seating, space for 17 wheelchairs, ADA accessibility, and seating for up to 2,065 spectators.

The project also proposes constructing a new accessible walkway from the Makaha end of the field (in the vicinity of a concession stand) to the Visitor's bleachers and to a performance stage behind the Visitor's bleachers and replacing two concrete athletic field light poles with two new steel poles of the same nominal height in back of the new bleachers. The cost of the project is estimated at \$1.66 million. Construction will commence after all approvals are received and should take 12 months to complete.

HABITAT CONSERVATION PLANS

12. Lālāmilo Wind Farm Draft HCP

Applicable Law: HRS Chapter 195D
Type of Document: Draft Habitat Conservation Plan
Island: Hawai'i
District: South Kohala
TMK: (3) 6-06-001:001 (in part), 002 (in part), 071 and 076 (in part)
Permits Required: Incidental Take License
Applicant: Lālāmilo Wind Company, LLC, C/O Site Constructors
 Richard Horn, (530) 342-9754,
rhorn@siteconstructors.onmicrosoft.com
 P.O. Box 6254, Chico, California 95927
Approving Agency: Department of Land and Natural Resources
 Kate Cullison, (808) 587-4148, katherine.cullison@hawaii.gov
 1151 Punchbowl Street Room 325, Honolulu, HI, 96813
Consultant: SWCA Environmental Consultants
 Jaap Eijzenga, (808) 548-7922, jeijzenga@swca.com
 Bishop Square: ASB Tower, 1001 Bishop Street, Suite 2800,
 Honolulu, HI 96813



Pursuant to Hawaii Revised Statutes Chapter 195D, Lālāmilo Wind Company LLC is requesting a 20-yr Incidental Take License (ITL) from the Board of Land and Natural Resources for the Lālāmilo Wind Energy facility. This facility would supply power to the County of Hawai'i Department of Water Supply. The proposed project is a 3.3-Megawatt facility with five wind turbines and associated power lines, fencing, and roadwork. Lālāmilo Wind Company LLC has determined that incidental take of two endangered species could occur as a result from operation of the project: Hawaiian hoary bat (*Lasiurus cinereus semotus*) and Hawaiian petrel (*Pterodroma sandwichensis*). Low wind speed curtailment will be employed as an impact minimization measure. Mitigation for the Hawaiian hoary bat will consist of habitat improvement at the Kahuku Unit of Hawai'i Volcanoes National Park (HAVO). Mitigation for the Hawaiian petrel will consist of a monetary contribution toward maintenance of a cat-proof fence around a Hawaiian petrel nesting colony at HAVO, along with predator control. All mitigation measures were developed to provide a net ecological benefit to the species.

13. Pakini Nui Wind Farm Draft HCP

Applicable Law: HRS Chapter 195D
Type of Document: Draft Habitat Conservation Plan
Island: Hawai'i
District: Ka'u
TMK: For the leased area around the turbines, TMK is 393001006. The remaining permit area is contained in TMKs: 393001006, 393004001, 39300199, 393002006, 393002023, 393002999.
Permits Required: Incidental Take License
Applicant: Tawhiri Power LLC
 Steven Pace, (650) 358-1550, space@tawhiri.us
 551 Pilgrim Drive, Suite C, Foster City, California 94404
Approving Agency: Department of Land and Natural Resources
 Kate Cullison, (808) 587-4148, katherine.cullison@hawaii.gov
 1151 Punchbowl Street Room 325, Honolulu, Hawaii, 96813
Consultant: SWCA Environmental Consultants
 Jaap Eijzenga, (808) 548-7922, jeijzenga@swca.com
 Bishop Square: ASB Tower, 1001 Bishop Street, Suite 2800,
 Honolulu, Hawaii 96813



Pursuant to Hawai'i Revised Statutes Chapter 195D, Tawhiri Power LLC is requesting a 20-yr Incidental Take License (ITL) from the Board of Land and Natural Resources for the existing 21-megawatt, Pakini Nui wind energy facility with 14 turbines, located near South Point on the Island of Hawai'i. As of March 2016 two endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) fatalities have been observed at the Project. Tawhiri has determined that the incidental take of four endangered species could occur from continued project operation: Hawaiian hoary bat, Hawaiian petrel (*Pterodroma sandwichensis*), Band-rumped storm petrel (*Oceanodroma castro*), and Hawaiian goose (Nēnē; *Branta sandvicensis*). Low wind speed curtailment will be

employed as a minimization measure. Mitigation for the Hawaiian hoary bat will consist of habitat improvement at the Kahuku Unit of Hawai'i Volcanoes National Park (HAVO) and associated bat and bat prey monitoring to evaluate the improvement. Mitigation for Hawaiian petrels and band-rumped storm petrels will consist of a monetary contribution toward maintenance of a cat-proof fence around a Hawaiian petrel nesting colony at HAVO, along with predator control. Mitigation for nēnē is contribution of funding for nēnē recovery. All mitigation measures were developed to provide a net ecological benefit to the species.

14. Honua'ula (Wailea 670), Kīhei, Maui (DHCP)

Applicable Law: HRS Chapter 195D
Type of Document: Draft Habitat Conservation Plan
Island: Maui
District: Makawao
TMK: TMK: 2-1-08:056, 2-1-08:071
Permits Required: Incidental Take License
Applicant: Honua'ula Partners, LLC
 Charles Jencks, (808) 879-5205, charliej@pacificrimland.com
 381 Huku Li'i Place, Suite 202, Kīhei, Maui 96753
Approving Agency Department of Land and Natural Resources
 Kate Cullison, (808) 587-4148, katherine.cullison@hawaii.gov
 1151 Punchbowl Street Room 325, Honolulu, Hawaii, 96813
Consultant: SWCA Environmental Consultants
 Jaap Eijzenga, (808) 548-7922, jeijzenga@swca.com
 Bishop Square: ASB Tower, 1001 Bishop Street, Suite 2800, Honolulu, Hawaii 96813



Pursuant to Hawai'i Revised Statutes Chapter 195D, Honua'ula Partners LLC is requesting a 30-yr Incidental Take License (ITL) from the Board of Land and Natural Resources for a 670-acre master-planned community in the Kīhei-Mākena region because of potential harassment or harm to endangered or threatened species. It will result in permanent habitat loss with host plants for the endangered Blackburn's sphinx moth (*Manduca blackburni*). Although all known living plants of the endangered plant 'āwikiwiki (*Canavalia pubescens*) on the property will be protected in a 134 acre Native Plant Preservation Area (NPPA), construction and operation of the project may result in take of seeds or new recruits previously not recorded. Post-construction activities associated with the proposed golf amenity could attract nēnē (*Branta sandvicensis*), resulting in the potential for incidental take. Additionally, two yellow-faced bee species that are proposed endangered, *Hylaeus assimulans* and *Hylaeus anthracinus*, may have reduced floral resources. Avoidance and minimization measures will be employed to minimize impacts. Mitigation, in addition to establishment, fencing, and management of the NPPA, will include plantings of 'āwikiwiki and host plants for Blackburn's sphinx moth, and contribution of funding for nēnē recovery. Mitigation will result in a net environmental benefit for the impacted species.

OPEN HRS CHAPTER 343 DOCUMENTS

Status: Statutory public review and comment period for these projects began previously; comments are due June 22, 2016. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

- [Honouliuli WWTP Facilities Plan DEIS](#)
- [Kaka'ako Makai Parks Active Use Facilities Master Plan DEIS](#)
- [Kahawaiokapi'a Bridge Replacement DEA/AFNSI](#)
- [Maui Police Department Communications Facility at Māhinahina Water Treatment Plant DEA/AFNSI](#)
- [Hyatt Regency Temporary Slope Stabilization \(DEA/AFNSI\)](#)
- [Hanapepe River Bridge Replacement \(DEA/AFNSI\)](#)
- [Waimea Wastewater Treatment Plant R-1 Recycled Water Distribution System \(DEA/AFNSI\)](#)

CHAPTER 25, REVISED ORDINANCES OF HONOLULU

1. 47-407 Kamehameha Highway Special Management Area Dwelling Units (DEA-AFNSI)

District: Ko'olaupoko
TMK: 1-4-7-009: 011
Permits: Special Management Permit, Grading Permit, Building Permit
Applicant: Hawaii Rainbow Properties
 Contact authorized consultant listed below

Approving Agency: City and County of Honolulu, Department of Planning and Permitting
 Malynne Simeon, (808) 768-8023, msimeon@honolulu.gov
 650 South King Street, 7th Floor, Honolulu, HI 96813

Consultant: Environmental Communications, Inc.
 Taeyong Kim, (808) 528-4661, tkim@environcom.com
 P.O. Box 236097, Honolulu, HI 96823

Status: Statutory 30-day public review and comment period starts; comments are due by July 8, 2016. Please send comments to the proposing/determining agency and copy the consultant.



The proposed project consists of the construction of two detached dwelling units on a single lot (TMK: 4-7-009: 011) that is presently permitted for two dwelling units which have not yet been constructed. Site access to the development site is through the adjacent lot (TMK: 4-7-009: 021). The 31,565-square-foot project site is located in R-5 Residential District. The site is presently vacant and will be used for a CPR using a single common area driveway. No improvements will be made along the shoreline.

The proposed addition of the two dwelling units, in addition to the already permitted two dwelling units will remain consistent with the surrounding neighborhood in both density and in value. The project site is privately owned and does not serve as an area recreational resource. The site is located within the City's Special Management Area (SMA) and therefore requires the approval of a SMA Use Permit from the City Council. This Draft Environmental Assessment (DEA) is prepared in compliance with Chapter 25, Revised Ordinances of Honolulu.

2. New Residence for Charles Tsu Yew Wong (DEA-AFNSI)

District: Ko'olaupoko
TMK: 4-6-1: 7
Permits: Special Management Area Use-Major, Department of Health Wastewater System Permit, Department of Health Construction Noise Permit, Building Permits
Applicant: Charles Tsu Yew Wong, (808) 779-6189
 46-107 Lilipuna Road
 Kane'ohe, Hawai'i 96744

Approving Agency: City and County of Honolulu, Department of Planning and Permitting
 Alexander Beatty, (808) 768-8032
 650 South King Street, 7th Floor, Honolulu, HI 96813

Consultant: Charles Tsu Yew Wong, (808) 779-6189
 46-107 Lilipuna Road
 Kaneohe, Hawai'i 96744

Status: Statutory 30-day public review and comment period starts; comments are due by July 8, 2016. Please send comments to the proposing/determining agency and copy the consultant.



The Project site is located within the Special Management Area (SMA), and requires an SMA Permit (Major) because the new two-story single-family dwelling exceeds 7,500 square feet of floor area, and the development valuation exceeds \$500,000.

Development includes a single-family dwelling with five bedrooms and 8.5 bathrooms, two garages, an individual wastewater system, and a detached recreation room. The dwelling will not exceed the maximum building envelope height of 30 feet and will be located more than 57 feet from the shoreline.

CONSERVATION DISTRICT USE APPLICATIONS

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice.

Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed. CDUAs can be found on the [OCCL website](#).

File No.: CDUA MA-3768
Name of Applicant: Department of Land and Natural Resources
 Division of Forestry and Wildlife
Location: Kanahena, Maui, Hawai'i
TMKs: (2) 2-1-004: 073 (por.)
Proposed Action: Improvements to the Existing 'Āhihi Kīna'u Natural Area Reserve Parking Lot
343, HRS determination: Final EA/FONSI published in the April 8, 2016 edition of *The Environmental Notice*
Applicant's Contact: Ms. Tanya Rubenstein,
 Natural Area Reserves Project Coordinator
 Division of Forestry and Wildlife
 (808) 587-0027
OCCL Staff Contact: Lauren Yasaka (808) 587-0386

COASTAL ZONE MANAGEMENT NOTICES

Federal Consistency Review

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d) (14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lāna'i & Moloka'i: 468-4644 x72878, Kaua'i: 274-3141 x72878, Maui: 984-2400 x72878 or Hawai'i: 974-4000 x72878. For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review. Comments may be submitted by mail, electronic mail or fax, as indicated below.

Mail: Office of Planning
 Department of Business, Economic Development and Tourism
 P.O. Box 2359
 Honolulu, Hawai'i 96804
Email: john.d.nakagawa@hawaii.gov
Fax: (808) 587-2899

U.S. Fish & Wildlife Service, Management Actions for the Conservation of 'A'o (Newell's Shearwater) on Kaua'i.

Proposed Action: In response to significant and ongoing population declines of the A'o (Newell's shearwater) on Kaua'i, the U.S. Fish & Wildlife Service is proposing management actions at Kilauea Point National Wildlife Refuge for the conservation of the 'A'o. The proposed project involves the translocation of 'A'o (Newell's shearwater) chicks over a period of five years to the existing fenced predator-free unit at the Nihoku section of the Kilauea Point National Wildlife Refuge on Kaua'i. Translocation would be divided into several distinct phases: (1) identification of source donor colonies; (2) collection and retrieval of chicks from source locations; (3) chick care at the translocation site; (4) implementation of social attraction techniques (acoustic playback); and (5) translocation monitoring and assessment. The draft environmental assessment for the project can be reviewed at: http://www.fws.gov/refuge/kilauea_point/.

Applicant Contact: Ms. Lindsay Young, Pacific Rim Conservation, (808) 741-9479
Location: Kilauea Point National Wildlife Refuge, Kaua'i
Federal Action: Federal Agency Activity
Federal Agency: U.S. Fish and Wildlife Service
CZM Contact: John Nakagawa, (808) 587-2878, john.d.nakagawa@hawaii.gov
Comments Due: June 22, 2016

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the relevant county/State planning agency. Honolulu (768-8014); Hawai'i (East 961-8288, West 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMITS

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Various Locations (1-3-008: 014, 016, 021 and 033; 2-2-001: 027; 2-2-002: 035; 2-3-003: 001, 004, 027 and 028; 2-3-004: 001; 2-6-026: 001; 2-8-015: 015; 3-6-002: 013, 024, 026 and 038; 9-6-001: 006, 011 and 012)	Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage (SMM 16-351)	County of Hawai'i Department of Parks and Recreation
Hawai'i: South Hilo (2-7-035: 005)	Construction of a Third Single-Family Dwelling and Related Improvements (SMM 16-352)	Melvin Kunimoto
Hawai'i: South Hilo (2-2-031: 001)	Repair and Maintenance of Park Facilities, Construction of New Gazebo and Five Accessible Family Unit Structures (SMM 16-353)	Department of Land and Natural Resources, State Parks Division
Maui: Lahaina (4-4-001: 042)	Hale Kai Railing Replacements (SM2 20120072)	Jeannie Murrell
Maui: Makena (2-1-006: 030)	Emergency Warning Siren Replacements (SM2 20160041)	Civil Defense Agency
Maui: Wailea (2-1-005: 086 and 120)	Makena Resort Offsite Drainage Improvements (SM2 20160042)	ATC Makena Holdings, LLC
Maui: Wailuku (3-8-014: 002)	Install New Holding Tanks (SM2 20160043)	Hono Kai AOA
Maui: Kahului (3-8-052: 006)	PV Carport Structure (SM2 20160044)	Richard C. Bergson
Maui: Makawao (2-1-004: 073)	Parking Lot Improvements (SM2 20160045)	Scott Fretz
Maui: Lahaina (4-6-004: 009)	Puamana Storage Building (SM2 20160046)	Scott Naganuma
Maui: Wailea (2-1-008: 105)	Yoga Changing Rooms / Trellis (SM2 20160047)	3-D Builders and Design Inc.
Maui: Lahaina (4-3-002: 043)	Erection of 6 Foot Fence (SM2 20160048)	Ralph Marconi
Maui: Lahaina (4-6-028: 001)	Addition of Rock Wall and Fence (SM2 20160049)	Fohe Ngali
Maui: Kahului (3-7-010: 009)	AT & T Kahului Airport Communication Facility Upgrades (SM2 20160050)	AT & T C. P Telecom Site Development Services
Maui: Kihei (3-9-004: 029)	Unauthorized Rock Beach Revetment (SM2 20160051)	Lisa Vares
Maui: Lahaina (4-6-009: 011)	Building Repair (SM2 20160052)	Peter Niess
Maui: Lahaina (4-3-002: 021)	Landscape and Gating Plan (SM2 20160053)	Napili Point I AOA
Maui: Lahaina (4-4-001: 051)	Replace Generator / New Gas Line (SM2 20160054)	Pro Draft – Professional Drafting & Design, Inc.
Maui: Lahaina (4-4-001: 098)	Amenity Realign for Shoreline (SM2 20160055)	Ka'anapali Beach Club
Maui: Lahaina (4-6-001: 001)	Replace Cannon Cradles (SM2 20160056)	Theo Morrison
Maui: Kahului (3-7-007: 005, 008, 009, 010, 027 and 050)	Consolidate / Re-Subdivide Parcel (SM2 20160057)	A & B Properties, Inc.
Maui: Lahaina (4-6-012: 033)	Pool & Equipment Shed (SM2 20160061)	Peter D Niess
O'ahu: Diamond Head (3-1-042: 009)	Kapi'olani Community College – Building 6939B – Vending Kiosk (2016/SMA-7)	University of Hawai'i, Community College / Noborikawa & Associates

SHORELINE NOTICES

Shoreline Applications

The shoreline certification applications below are available for review at the Department of Land and Natural Resources Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at (808) 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
MA-645	5/23/16	A Portion of Royal Patent 5666, Land Commission Award 4760, 'Apana 2 to Lelehu (Tax Map Key: (2) 4-5-005:010) situate at Moali'i, Lahaina, Maui. Address: 1285 Front Street. Purpose: Determine shoreline setback	R. T. Tanaka Engineers, Inc./ Cannery Commercial, LLC	(2) 4-5-005:010
HA-532	5/25/16	Lot 61-A of Vacationland Hawai'i Subdivision (F.P. 814) L.C. Aw. 8559, 'Apana 5 situate at Kapoho, Puna, Hawai'i. Address: 14-5009 Wai'opae Road. Purpose: Establish setbacks for building	The Independent Hawaii Surveyors, LLC/ Gregory A. Anderson	(3) 1-4-068:050

Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by the Department of Land and Natural Resources (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resources, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1698	Proposed Shoreline Certification	Lot 39 of "Laie Beach Lots" as shown on Map 1 of Land Court Application 772 situate at Lā'ie, Ko'olauloa, O'ahu. Address: 55-473 Kamehameha Highway. Purpose: Subdivision application file number 2015/SUB-198	Ace Land Surveying LLC/ Lance M. Inouye, Trust	(1) 5-5-002:021
OA-1699	Proposed Shoreline Certification	Lot 75 "Pupukea-Paumalu Beach Lots" Being also Grant 8131 to L. L. Fish situate at Pupukea -Paumalu, Ko'olauloa, O'ahu. Address: 59-205 Kē Nui Road. Purpose: Building permit	ParEn, Inc. dba Park Engineering/ Terrapin Pacific LLC	(1) 5-9-002:059
OA-1701	Proposed Shoreline Certification	Lot 1104 Land Court Application 677 as Shown on Map 254 situate at Kailua, Ko'olaupoko, O'ahu. Address: 144 Ka'apuni Drive. Purpose: Determine building set-back line	Wesley T. Tengan/ Laura Brancato	(1) 4-3-013:039
OA-1704	Proposed Shoreline Certification	Lot 22 as shown on Map 6 of Land Court Application 446 situate at Ka'alaea, Ko'olaupoko, O'ahu. Address: 47-745 Kamehameha Highway. Purpose: Building permit	Hawaii Land Consultants/ Ashley M. K. Inferrera, Jeremy L. Inferrera, & Sylvia A. Freitas	(1) 4-7-017:009
HA-530	Proposed Shoreline Certification	Parcel 2-A, Being a Portion of Grant 1016 to Peleula situate at Ahalanui, Puna, Hawaii. Address: n/a. Purpose: Determine makai setback	Daniel Berg/ Rulin Xiu	(3) 1-4-093:045
OA-1672	Rejection	Lot A-1 Mendonca Beach Lands Portion of Grant 340 to Palekaluhi, <i>et al.</i> , situate at Moku-leia, Waialua, O'ahu. Address: 68-781 Crozier Drive. Purpose: Determine new area for tax purposes	Constancio Galang/ Albert & Judith Bader	6-8-006:002

FEDERAL NOTICES

As a courtesy, listed below are relevant entries from the Federal Register, gleaned from a search of Hawai'i-based entries published since the last issue of The Environmental Notice. For the PDF file click on the title link, also available at <http://www.gpo.gov/fdsys/>

1. Designating Critical Habitat for Three Plant Species on Hawai'i Island

The U. S. Fish and Wildlife Service (FWS) announce the reopening of the public comment period on its October 17, 2012, proposed designation of critical habitat for three plant species (*Bidens micrantha* ssp. *ctenophylla*) ko'oko'olau, *Isodendron pyriform* (wahine noho kula) and *Mezoneuron kawaiense* (uhiuhi) on Hawai'i Island under the Endangered Species Act of 1973, as amended. The reopened comment period will allow all interested parties further opportunity to comment on areas that the FWS is considering for exclusion from the critical habitat designation in the final rule. Comments previously submitted on the proposed rule do not need to be resubmitted, as they will be fully considered in preparation of the final rule. Click [here](#) for comment instructions and further information. (See 81 FR 31900, May 30, 2016).

2. Metropolitan Transportation Plans Final Rule

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are jointly issuing a final rule to update the regulations governing the development of metropolitan transportation plans (MTP) and programs for urbanized areas, long range statewide transportation plans and programs, and the congestion management process as well as revisions related to the use of and reliance on planning products developed during the planning process for project development and the environmental review process. The changes reflect the passage of the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act. The MAP-21 continues many provisions related to transportation planning from prior laws; however, it introduces transformational changes and adds some new provisions. Among the changes are: A new mandate for State departments of transportation (hereafter referred to simply as "States") and metropolitan planning organizations (MPO) to take a performance-based approach to planning and programming; a new authority for the integration of the planning and environmental review processes; and a process for programmatic mitigation plans. DATES: Effective June 27, 2016. FOR FURTHER INFORMATION CONTACT: For the FHWA: Mr. Harlan W. Miller, Office of Planning, Environment, and Realty, (202) 366-0847; or Ms. Jennifer Mayo, Office of the Chief Counsel, (202) 366- 1523. For the FTA: Ms. Sherry Riklin, Office of Planning and Environment, (202) 366-5407; Mr. Dwayne Weeks, Office of Planning and Environment, (202) 493-0316; or Mr. Christopher Hall, Office of Chief Counsel, (202) 366-5218. Both agencies are located at 1200 New Jersey Avenue SE., Washington, DC 20590.

3. Air Visibility Requirements

The Environmental Protection Agency (EPA) is proposing amendments to requirements under the Clean Air Act (CAA) for state plans for protection of visibility in mandatory Class I federal areas (Class I areas) in order to continue steady environmental progress while addressing administrative aspects of the program. The EPA amendments would clarify the relationship between long term strategies and reasonable progress goals in state plans, and the long-term strategy obligation of all states. The amendments would also change the way in which some days during each year are to be selected for purposes of tracking progress towards natural visibility conditions to account for events such as wildfires; change aspects of the requirements for the content of progress reports; update, simplify and extend to all states the provisions for reasonably attributable visibility impairment and revoke existing federal implementation plans (FIPs) that require the EPA to assess and address any existing reasonably attributable visibility impairment situations in some states; and add a requirement for states to consult with Federal Land Managers (FLMs) earlier in the development of state plans. The EPA also proposes to address administrative aspects of the program by making a one-time adjustment to the due date for the next state implementation plans (SIPs), revising the due dates for progress reports and removing the requirement for progress reports to be SIP revisions. DATES: Comments. Written comments on this proposal must be received on or before July 5, 2016 (see 81 F.R. 26942, May 4, 2016).



GLOSSARY OF TERMS AND DEFINITIONS

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether the actions' environmental impact will be significant, and thus whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(e\)](#), for Applicant actions. For actions for which the proposing or approving agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin.

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the 30-day review period and prepare a Final EA (FEA) that includes those responses to determine whether an environmental impact statement shall be required. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement (EIS) will not be required and the project has cleared HRS 343 requirements. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISP) along with the supporting Final EA. After the notice of the FEA-EISP is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISP in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Direct-to-EIS, Environmental Impact Statement Preparation Notice (with no EA)

Act 172 in 2012 amended HRS 343 by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its determination that an EIS is required for an action (Act 172-2012, EISP) with a completed OEQC publication form detailing the specifics of the action to enable the public a 30-day period to request to be consulted parties in the preparation of the Draft EIS. Comments and responses on the EISP must be incorporated into the subsequent Draft EIS.

Act 312-2012, Secondary Actions in the Highway or Public Right Of Way

Act 312-2012, amended HRS 343, by adding a new section (HRS 343-5.5, entitled "Exception to applicability of chapter:") HEPA now allows for a statutory exception for "secondary actions" (those that involve infrastructure in the highway or public right-of-way) provided that the permit or approval of the related "primary action" (those outside of the highway or public-right-of-way and on private property) is not subject to discretionary consent and further provided that the applicant for the primary action submits documentation from the appropriate agency confirming that no further discretionary approvals are required. An aid to understanding this is to visualize residential driveway improvements in the public right-of-way, versus, retail outlet driveway improvements in the public right-of-way.

Draft Environmental Impact Statement

After receiving the comments on the EISP, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISP comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a non-acceptance determination.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notices of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Administrative Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for [Habitat Conservation Plans \(HCP\)](#), [Safe Harbor Agreements \(SHA\)](#), or [Incidental Take Licenses \(ITL\)](#) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).

